1922.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1920.

REPORT AND RECOMMENDATION ON PETITION No. 202/17, RELATIVE TO ADJUSTMENT OF NAMES OF THE PIRIRAKAU TRIBE IN THE TITLE TO TE PUNA, LOT 154D BLOCK.

Presented to Parliament in pursuance of Section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920.

Native Department, Wellington, 15th July, 1922.

Re *Te Puna 154d.—Petition 202 of 1917.*

PURSUANT to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, I forward herewith the report of the Native Land Court herein.

I find myself at variance with the three Judges who have dealt with this matter. Probably the ambiguous terms of section 8 of the Native Land Claims Adjustment Act, 1914, which enacted that the land should be held "in trust for such members of the Pirirakau Tribe as shall be ascertained by the Native Land Court," without giving the Court any lead as to what members were intended, accounts for what appears to me to be an injustice. On a statute enacted in precisely similar terms and affecting other land in the same grant another Court held a more restricted set of Natives were entitled.

The facts leading to the legislation regarding this block were shortly as follows: A grant of the land had been made to two Natives "in trust for the Pirirakau Tribe." The Native Land Court on inquiry held the two so-called trustees were absolute owners. The Native Appellate Court slightly varied this by adding the names of two other persons. Other members of the Pirirakau Tribe said to be settled on the block complain that they were by this decision deprived of their homes. Potaua Maihi and seventy-four others, feeling aggrieved, petitioned Parliament for redress, and their petition was referred to the Government for immediate consideration. To remove the feeling of supposed injustice which rankled in the minds of the petitioners, the Government offered to buy the land in dispute, and succeeded in securing 263 acres of it at a price of £9 per acre. One of the vendors, however, insisted on retaining 20 acres for himself, while the other two admitted by the Native Appellate Court were non-sellers, so that the whole block was not secured.

The Act referred to was then passed to enable the beneficial owners to be ascertained, and the vendors who had sold and had received cash for their land, according to the enclosed report, were enabled to join in and receive back out of the 263 acres so sold an area of $96\frac{3}{4}$ acres, which at the price paid would be valued at over £868. That Natives should be paid for land and then claim to have it given back to them free of charge or deduction seems unreasonable. It was evidently intended when the whole block was to be purchased to allow the vendors, if they so desired, to participate, but it is not thinkable that they were to have the money as well as the land. At any rate, that project fell through, and with the consent of Potaua Maihi on behalf of the petitioners the vendors arranged to retain 20 acres and were fully paid for the balance. To admit them again as owners after being fully paid for the land is, to my mind, a wrong which should be rectified. If the vendors were to be paid and then get land back without payment, it is hard to understand why the 20 acres were expressly reserved from the sale at all.

I therefore recommend that legislation be passed authorizing the Native Land Court to rehear the matter, with a direction that the persons who received payment for the land purchased are not entitled to be admitted as beneficial owners, and giving power to the Court to make any consequential amendment that may be required in subsequent orders.

At the same time, your attention is called to the fact already mentioned, that three other Judges evidently disagree with my views.

The Hon. Native Minister, Wellington. R. N. JONES, Chief Judge.